

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DUNKIN' DONUTS FRANCHISED RESTAURANTS LLC,	:	
DUNKIN' DONUTS FRANCHISING LLC,	:	
BASKIN-ROBBINS FRANCHISED SHOPS LLC	:	
DD IP HOLDER LLC,	:	
BR IP HOLDER LLC and	:	
DB REAL ESTATE ASSETS I LLC,	:	
	:	
Plaintiffs,	:	
	:	Case No. 08-CV-4218 (WCC)
v.	:	
	:	
GANPATI DONUTS, INC.,	:	
SHREE RAM DONUTS, INC.,	:	
LAXMI DONUTS, INC.,	:	
KRISHNA DONUTS, INC.,	:	
GIATRI DONUTS INC.,	:	
SHREEJI DONUTS, INC.,	:	
AMISH PATEL and	:	
AMI PATEL,	:	
	:	
Defendants.	:	

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CERTIFICATION OF RONALD D. DEGEN PURSUANT TO LOCAL RULE 6.1(d)

1. I am a member of the Bar of this Court and a member of the firm of O'Rourke & Degen, PLLC, local counsel for Plaintiffs Dunkin' Donuts Franchised Restaurants and Dunkin' Donuts Franchising LLC (collectively and individually "Dunkin' Donuts"), Baskin-Robbins Franchised Shops LLC ("Baskin-Robbins"), DD IP Holder LLC, BR IP Holder LLC and DB Real Estate Assets I LLC ("DB Realty").

2. I have been outside counsel for Dunkin' Donuts in New York State for more than 25 years and for Baskin-Robbins for more than 10 years, and am fully familiar with the facts and circumstances of this case and the operation of Dunkin' Donuts and Baskin-Robbins franchises.

3. This Certification is being submitted in support of Plaintiffs' motion for a preliminary injunction.

4. The statements made in Plaintiffs' Memorandum of Law and signed by me are

hereby incorporated herein by reference and made part of this Certification.

REASON FOR REQUEST FOR PROCEEDING BY ORDER TO SHOW CAUSE

5. Immediate relief is needed, because Defendants have refused to cease using Plaintiffs' trademarks, trade name and trade dress. The continued use of Plaintiffs' marks infringes upon its rights under the *Lanham Act*. As demonstrated in Plaintiffs' Memorandum of Law, by using the trademarks and trade names of Dunkin' Donuts and Baskin-Robbins, Defendants have caused and continue to cause them irreparable harm.

6. Every day consumers are purchasing Defendants' doughnuts, coffee, ice cream and related products under the mistaken belief that they are buying Dunkin' Donuts and Baskin-Robbins products. The public is being deceived into believing that the food served by Defendants is approved by and meets the high standards of Dunkin' Donuts and Baskin-Robbins. The damage that is being done to Dunkin' Donuts' reputation among Orange County consumers may be incapable of being repaired.

7. Unless this Court allows Plaintiffs to proceed by order to show cause, valuable time will have been lost and Defendants will be able to continue to misappropriate the Dunkin' Donuts and Baskin-Robbins trademarks, trade names and trade dress.

CERTIFICATIONS SUBMITTED IN SUPPORT OF MOTION

8. In support of this application Plaintiff is submitting the Certifications of Jack Laudermilk and Gary Zullig (Exhibits 1 and 2).

NO PREVIOUS APPLICATION

9. No previous request has been made for the relief requested herein.

I certify under penalty of perjury that the foregoing is true and correct. Executed on this 6th day of May 2008.

RONALD D. DEGEN